



STAFF REPORT

MATTER DETAILS – AGENDA ITEM IV.

FILE NUMBERS: AM-21-004/RZ-21-004/ACU-21-086

APPLICANT: Laura Davis
11609 NE Finn Hill Loop
Carlton, OR 97111

CONSULTANTS: Troy Rambo
mandrllc@frontier.com

SUMMARY PROPOSAL: Plan Amendment and Rezone and two Conditional Use Requests. The first request is to change in the Plan Map from Agriculture to Forest with a Mixed Use Overlay. Amend the Zone map from Exclusive Farm Use (EFU) to Forest / Mixed Use (F/MU). A Conditional Use Request for a Forest Template Dwelling.

STAFF CONTACT: Amy Dibble, Planner II
adibble@co.coos.or.us

PUBLIC HEARING DATE: December 2, 2021 at 7:00 P.M.

HEARINGS BODY: Coos County Planning Commission

THIS MEETING MAY BE ATTENDED THROUGH THE GOTOMEETING PLAT FORM.
Planning Commission

Thu, Dec 2, 2021 7:00 PM - 10:00 PM (PST)

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Access Code: 588-742-533

Submission of Written Evidence

- a. Petitions: Any party may submit a petition into the record as evidence. The petition shall be considered as written testimony of the party who submitted the petition. A petition shall not be considered to be written testimony of any individual signer. To have standing, a person must participate orally at the hearing or submit other individual written comments. Anonymous petitions or petitions that do not otherwise identify the party submitting the petition shall not be accepted as evidence.
- b. Required Number of Copies: Submission of written materials for consideration shall be provided in the form one original hard copy and one exact copy or one original hard copy and one electronic copy. The County may, at its sole discretion, reject any materials that do not contain the requisite number of copies. It may be requested that the County make the requisite number of copies subject to the submitter paying the applicable copy charges.
- c. E-mail testimony may be submitted; however, it is the responsibility of the person submitting the testimony to verify it has been received by Planning Staff by the applicable Deadline.
- d. All written testimony must contain the name of the person(s) submitting it and current mailing address for mailing of notice.

e. The applicant bears the burden of proof that all of the applicable criteria have been met; however, in the case of an appeal, the appellant bears the burden of proving the basis for the appeal, such as procedural error or that applicable criteria have not in fact been met. [Amended OR 08-09-009PL 5/13/09]

Testimony shall be submitted by the deadline provided at the hearing or the close of the record.

**STAFF REPORT
FINDINGS OF FACT AND RECOMMENDATIONS**

I. APPLICABLE CRITERIA

The landowner, Laura Davis, is requesting a rezone of 37 acre tract of land located approximately 3 miles Northeast of the City of Myrtle Point, Oregon. The subject property is currently zoned EFU. The landowner wishes to change the zone designation Exclusive Farm Use (EFU) to Forest (F) with a "Mixed Use" (Agriculture) overlay. The subject is located North of North Fork Road and West of Echo Valley Road.

The proposal is for an Amendment to the Coos County Comprehensive Plan Map and the Coos County Official Zoning Map by Rezoning the subject property from the current Plan Map Designation Agricultural to Forest and included in the Mixed Use Overlay and amend the Official Zone Map Designation from Exclusive Farm Use to Forest/Mixed Use subject to Coos County Zoning and Land Development (CCZLDO) Article 5.1 Plan Amendments and Rezones; Coos County Comprehensive Plan (CCCP) Volume I, Part I - Policy 5.4 Plan Implementation Strategies; Volume I, Part II, 3.2(5) Forest Lands, Implementation Strategies; Oregon's Statewide Planning Goals & Guidelines - Goal 3 - Agricultural Lands; and Goal 4 - Forest Lands.

The request for a Forest Template Dwelling subject to CCZLDO § 4.6.120 § 4.6.120(9)(B)(II) - Review Standards - Dwellings Authorized by ORS 215.705 To 215.755; And (E) Other Dwellings Under Prescribed Conditions - Dwelling on Forest and Forest Mixed Use Zones - Template Dwelling; § 4.6.120(9)(C) - Standards - Dwellings Authorized by ORS 215.705 To 215.755; And (E) Other Dwellings Under Prescribed Conditions - Dwelling on Forest and Forest Mixed Use Zones - Additional Criteria for all Dwellings Allowed in the Forest and Forest Mixed Use Zones; § 4.6.130 Additional Criteria for all New and Replacement Dwellings and Structures In Forest; and § 4.6.140 Development and Siting Criteria.

Key definitions:

ZONING DISTRICT: *A zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed.*

HIGH-VALUE FARMLAND: *"High-value farmland" means land in a tract composed predominantly of soils that are:*

- A. Irrigated and classified prime, unique, Class I or Class II; or*
- B. Not irrigated and classified prime, unique, Class I or Class II.*

A and B, above, include the following soils: 2C, 5A, 5B, 33, 17B, 25 and 36C.

In addition, high-value farmland includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards, but not including seed crops, hay, pasture or alfalfa.

Also, high-value farmland, used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in A or B above and the following soils: Meda (37C), Nehalem (40) and Coquille (12).

FOREST LAND: *Those lands designated in the Coos County Comprehensive Plan (Volume I- "Balance of County") for inclusion in a Forest Lands zone. These areas include: (1) lands composed of existing and potential forest lands which are suitable for commercial forest uses, (2) other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation, (3) lands where extreme conditions of climate, soil and topography require the maintenance of vegetative cover irrespective of use, and (4) other forested lands which provide urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors and recreational use.*

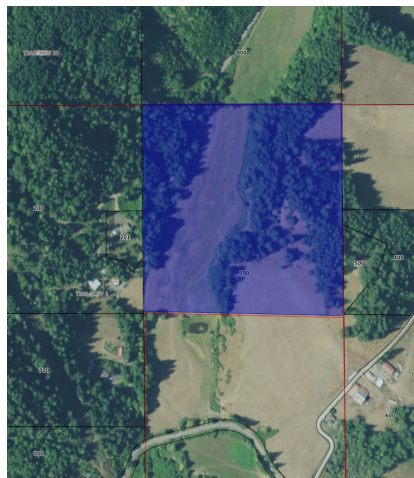
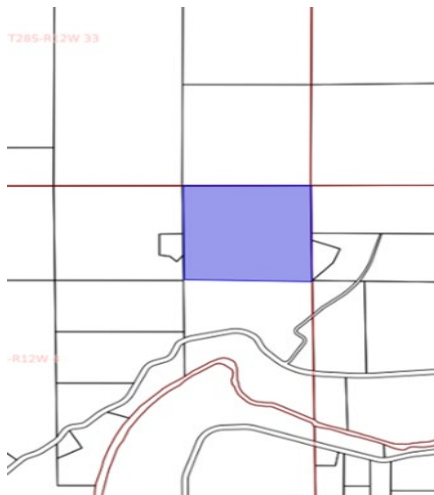
II. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

A. PROPOSAL: According to the application the property owner is seeking approval to rezone the subject property from Exclusive Farm Use (EFU) to Forest with a Mixed Use Overlay (FMU). This will change the plan designation for Agriculture to Forest and amend the Plan Maps from Exclusive Farm Use to Forest with a Mixed Use Overlay.

The applicant is also requesting to requalify the dwelling to a Template (Forest Dwelling).

B. BACKGROUND/PROPERTY HISTORY:

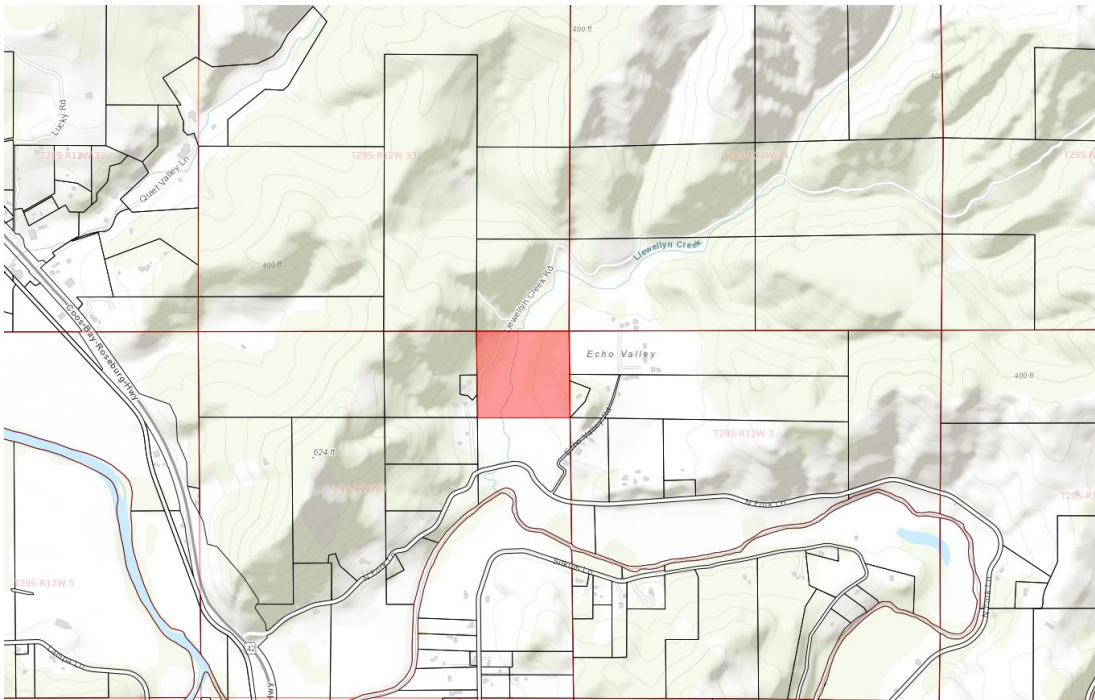
This property was determined to be a lawfully created unit of land through a Lawfully Established Parcel Determination Application (D-21-001).



Troy Rambo, Registered Professional Surveyor submitted an application to certified that the portion of a tax lot is described in a separate deed document (Volume 284 Page 735 recorded March 9, 1961) prior to applicable planning, zoning or subdivision or partition ordinances that would prohibit the creation.

A pre-application meeting was held on this property in 2020. Department of Land Conservation and Development stated they had no objection as long as the soils could meet Forest Soils.

C. LAND TOPOGRAPHY AND SOIL TYPE:



Surrounding Properties

The adjacent lands are Zoned RR-5, EFU and Forest.

Land Topography and Soil Type

The subject property can be used for either timberland or farming if adequate water is available. The slopes of the subject property are 3% to 7%. Based on the Natural Resource Conservation Service (NRCS) soil survey map, the subject property contains 47.3% of soil type 13E (Dement silt loam - 30% to 50% slopes), 20.5% soil of type 34 (Langlois silty clay loam - flood plain), 4.3% of soil type 47B (Pyburn silty clay - 0% - 8% slopes), 11.2% of soil type 48 (Quosatana silt loam - 0% - 3% slopes), 11.2% of soil type 63B (Wintley silt loam - 0% - 8% slopes) and 5.5% of soil type 63D (Wintley silt loam - 15% to 30% slopes).

68% of the of the above listed soils will grow trees while the remainder of the soil types are located in the flood plain. Based on the 100 year site curve, the mean site index for Douglas fir is 155 and has a growth rate of 164 cu. ft./ac./yr. which is a class III soil.

Based on these growth rate, these soils will support both agricultural, if water is available, and forest production which would comply with the Forest Mixed Use classification.

Current Property Use:

The subject property is vacant and is growing Douglas fir trees and grass.

Statewide Planning Goals

Pursuant to Statewide Planning Goal 4 (Forest Land), where a plan amendment is proposed, forest lands shall include lands that are suitable for commercial forest uses. Based on the site index and volume growth rate for the soil types listed above, the subject property is predominantly forestland by both use and definition.

The soil type also is suitable for agricultural uses pursuant to Statewide Planning Goal 3, therefore it appears that a more appropriate zone for the subject property would be Forest (F) with a Mixed Use (MU) overlay.

III. BASIC FINDINGS:

A. SUBJECT PROPERTY INFORMATION:

Account Number:	1111700
Map Number:	29S120400-00100
Property Owner:	DAVIS, LAURA LOUISE C/O LARSEN FAMILY TRUST 54135 ECHO VALLEY RD MYRTLE POINT, OR 97458-7617
Situs Address:	53921 ECHO VALLEY RD MYRTLE POINT, OR 97458
Acreage:	78.72 Acres
Zoning:	EXCLUSIVE FARM USE (EFU) FOREST (F)
Special Development Considerations and overlays:	FLOODPLAIN (FP) FOREST MIXED USE (MU) NATIONAL WETLAND INVENTORY SITE (NWI) NATURAL HAZARD - EROSION - RIVER BANK EROSION (NHERR) WET MEADOW WETLAND (WM) WETLANDS (WET)

B. LOCATION: The subject property is located north of the City of Myrtle Point accessed off an existing easement via Echo Valley Road.

C. ZONING: - This property is zoned Exclusive Farm Use (EFU) and Forest (F) with a Mixed Use (MU) overlay.

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

FOREST (F)

The intent of the Forest District is to include all inventoried "forestlands" not otherwise found to be needed (excepted) for other uses.

The purpose of the Forest zone is to conserve and protect forest land for forest uses. Some of the areas covered by the "F" zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.

FOREST MIXED USE (FMU)

The purpose of the Forest Mixed Farm-Forest Areas ("MU" areas) is to include land which is currently or potentially in farm-forest use. Typically such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and grazing uses. The areas generally occupy land on the periphery of large corporate and agency holdings and tend to form a buffer between more remote uplands and populated valleys. In addition, these "mixed use" areas contain ownership of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.

If land is in a zone that allows both farm and forest uses, a dwelling may be sited based on the predominate use of the tract on January 1, 1993.

If a use is only allowed in the mixed use zone it will be explained in the text. Otherwise the uses listed are allowed in both the Forest and Forest Mixed Use zones.

EXCLUSIVE FARM USE (EFU)

These include all inventoried "agricultural lands" not otherwise found to be needed (excepted) for other uses.

The purpose of the EFU district is to preserve the integrity and encourage the conservation of agricultural lands within Coos County and thereby comply with the provisions of ORS 215 and OAR 660. Division 33 to minimize conflicts between agricultural practices and non-farm uses by limiting any development to uses distinguished as dependent upon or accessory to supporting agricultural or forestry production and which qualify such farm lands for special tax relief pursuant to the provisions of Oregon Revised Statutes. This zone is also for the cultivation and marketing of specialty crops, horticultural crops and other intensive farm uses.

According to the Coos County Comprehensive Plan Exclusive Farm Use lands are inventoried as Agricultural Lands. The Main criterion for establishing the "Agricultural Lands Inventory" was land identified on the agricultural lands based on soils, Class I-IV soils or "other lands" suitable for agricultural use, with the following exceptions:

- 1. Committed rural residential areas and urban growth areas.*
- 2. Proposed rural residential areas as per the Exception to Goals #3 and #4.*
- 3. Proposed industrial/commercial sites.*
- 4. Existing recreation areas (e.g., golf courses) [Recreation designation]*
- 5. Isolated parcels of Class I-IV soils in upland areas, which are under, forest cover. (Forestlands designation).*
- 6. Narrow valley bottomlands where no agricultural activity is occurring anywhere in the vicinity [Forestlands designation].*

The secondary criterion for establishing the “Agricultural Lands Inventory” was the use of aerial photos used to identify additional areas without Class I-IV soils in current agricultural use which were not initially identified in the agricultural lands inventory from Assessor's Data. This situation typically occurs on benches, immediately above agricultural valleys, where grazing often takes place on non-class I-IV soils. However, if lands were zoned predominately forest it may have resulted in a Mixed Use Overlay.

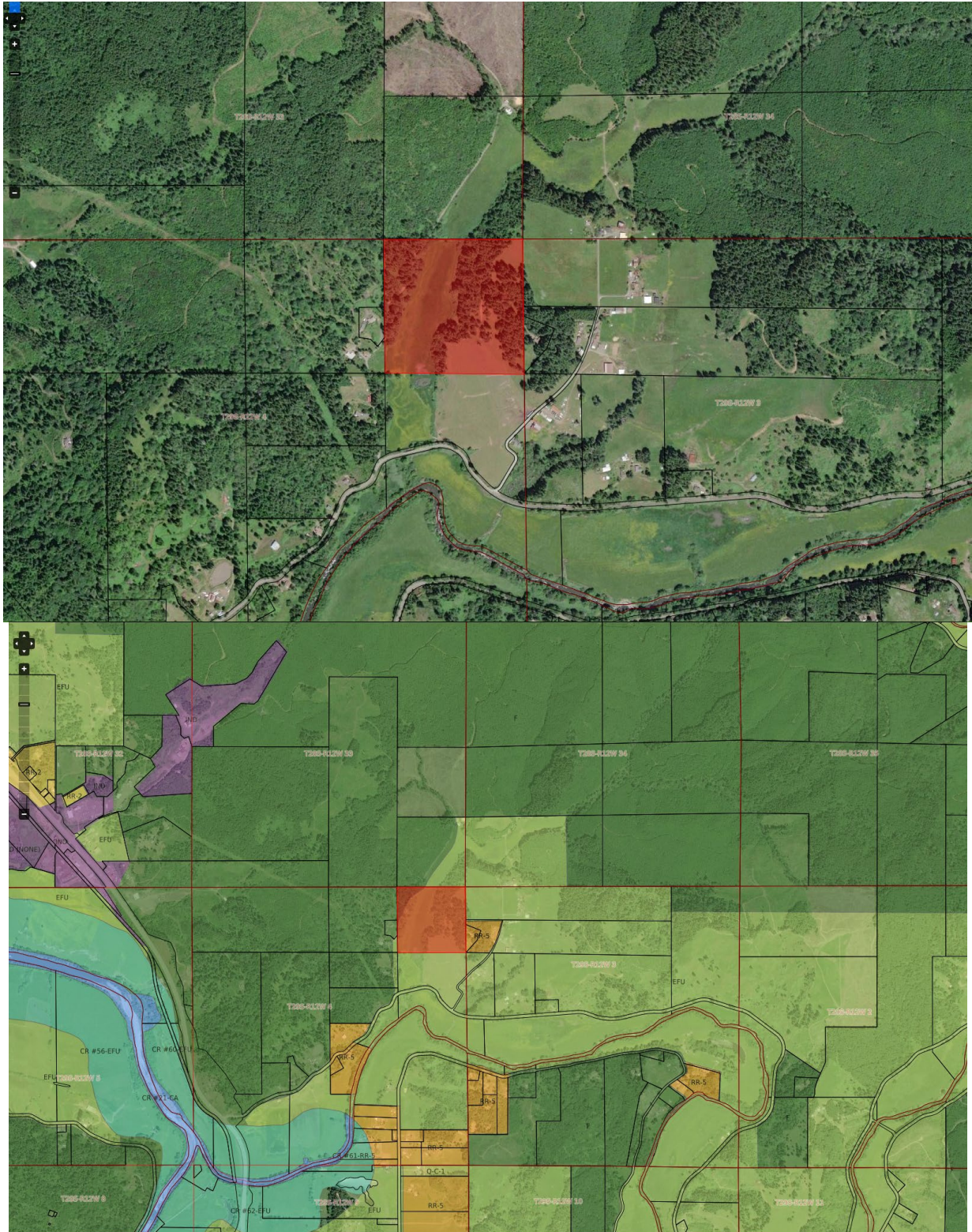
D. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS:

SECTION 4.11.125 Special Development Considerations: The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed In the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site

SECTION 4.11.200 Purpose: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations. An overlay zone is applicable to all Balance of County Zoning Districts and any zoning districts located within the Coos Bay Estuary Management Plans when the Estuary Policies directly reference this section.

This property does include inventoried Special Development Consideration and/or Overlay as being located within the Floodplain, National Wetlands this requires that notification be provided to the Oregon Department of State Lands. The development is located outside of the floodplain.

- E. SITE DESCRIPTION AND SURROUNDING USES:** The subject property is split zoned with the majority being zoned Exclusive Farm Use (EFU) and the northwestern corner being zoned Forest (F). The property contains approximately 37 acres, is undeveloped and consists of pastureland and trees with Llewellyn Creek running through it. The adjacent property to the north is split zoned EFU and F appears to have been logged and replanted, has pasture land and a dwelling. The adjacent properties to the east are zoned EFU and Rural Residential -5 (RR-5). The property zoned EFU consist half of pasture land and half treed and contains a dwelling, accessory structures and agricultural buildings. The properties zoned RR-5 are treed with cleared areas around the residential development. The adjacent property to the south is zoned EFU consists mainly pastureland with spare trees and contains a dwelling and agricultural structures. The adjacent properties to the west are zoned F, one is smaller and is cleared and contains residential development, while the larger property is treed with cleared areas around the residential development.



F. NOTICE REQUIREMENT: This application is a Plan Map Amendment/Rezone governed by CCZLDO Section 5.0.900.3. The notice of Post Acknowledge Plan Amendment notice was provided 35 days prior to the Planning Commission meeting to meet the requirements of ORS

AM-21-004/RZ-21-004/ACU-21-086

197.610. The hearing notice was published in accordance with ORS 197.732. Notice was mailed to property owners in compliance with CCZLDO Section 5.0.900.1 Notice of Public Hearings.

G. REVIEW PERIOD: This application was submitted on September 23, 2021. Pursuant to ORS 215.427 this application is not subject timelines as it is application for a zone change filed concurrently and considered jointly with a plan amendment.

H. COMMENTS:

a. PUBLIC AGENCY : This property required that notification be provided to the Oregon Department of State Lands to the release of this decision. Staff received a response on October 20, 2021. The Department of State Lands was unable to determine if wetlands would be disturbed during development and the applicant shall work with them at the time of development to ensure there are no compliance issues.

As explained earlier in the report DLCD did comment through the pre-application process but they had no objections.

b. PUBLIC COMMENTS: A notice of hearing was mailed to properties owners within 500 feet on November 12, 2021 and published in the *World News Paper* on November 19, 2021. No comments have been received as of the date of this report.

c. LOCAL TRIBE COMMENTS: The property did not require any request for comments to be sent to the tribes.

IV. FINDINGS AND CONCLUSIONS:

AMENDMENT / REZONE CRITERIA

Coos County Zoning and Land Development Ordinance (Ordinance)

- **ARTICLE 5.1 REZONES**

- **SECTION 5.1.200 REZONES:**

Rezoning constitutes a change in the permissible use of a specific piece of property after it has been previously zoned. Rezoning is therefore distinguished from original zoning and amendments to the text of the Ordinance in that it entails the application of a pre-existing zone classification to a specific piece of property, whereas both original zoning and amendments to the text of the Ordinance are general in scope and apply more broadly.

- **SECTION 5.1.210 RECOMMENDATION OF REZONE EXPANSION BY THE PLANNING DIRECTOR:**

The Planning Director may recommend an expansion of the geographic limits set forth in the application if, in the Planning Director's judgment, such an expansion would result in better conformity with the criteria set forth in this Ordinance for the rezoning of property. The Planning Director shall submit a recommendation for expansion to the Hearings Body prior to the scheduled public hearing for a determination whether the application should be so extended.

- **SECTION 5.1.215 ZONING FOR APPROPRIATE NON-FARM USE:**

Consistent with ORS 215.215(2) and 215.243, Coos County may zone for the appropriate non-farm use one or more lots or parcels in the interior of an exclusive farm use zone if the lots or parcels were physically developed for the non-farm use prior to the establishment of the exclusive farm use zone.

• **SECTION 5.1.220 PROCESS FOR REZONES:**

1. Valid application must be filed with the Planning Department at least 35 days prior to a public hearing on the matter.
2. The Planning Director shall cause an investigation and report to be made to determine compatibility with this Ordinance and any other findings required.
3. The Hearings Body shall hold a public hearing pursuant to hearing procedures at Section 5.7.300.
4. The Hearings Body shall make a decision on the application pursuant to Section 5.1.225.
5. The Board of Commissioners shall review and take appropriate action on any rezone recommendation by the Hearings Body pursuant to Section 5.1.235.
6. A decision by the Hearings Body that a proposed rezone is not justified may be appealed pursuant to Article 5.8.

• **SECTION 5.1.225 DECISIONS OF THE HEARINGS BODY FOR A REZONE:**

The Hearings Body shall, after a public hearing on any rezone application, either:

1. Recommend the Board of Commissioners approve the rezoning, only if on the basis of the initiation or application, investigation and evidence submitted, all the following criteria are found to exist:
 - a. The rezoning will conform with the Comprehensive Plan or Section 5.1.215; and
 - b. The rezoning will not seriously interfere with permitted uses on other nearby parcels; and
 - c. The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.
2. Recommend the Board of Commissioners approve, but qualify or condition a rezoning such that:
 - a. The property may not be utilized for all the uses ordinarily permitted in a particular zone;
 - b. The development of the site must conform to certain specified standards; or
 - c. Any combination of the above.

A qualified rezone shall be dependent on findings of fact including but not limited to the following:

- i. Such limitations as are deemed necessary to protect the best interests of the surrounding property or neighborhood;
 - ii. Such limitations as are deemed necessary to assure compatibility with the surrounding property or neighborhood;
 - iii. Such limitations as are deemed necessary to secure an appropriate development in harmony with the objectives of the Comprehensive Plan; or
 - iv. Such limitations as are deemed necessary to prevent or mitigate potential adverse environmental effects of the zone change.
3. Deny the rezone if the findings of 1 or 2 above cannot be made. Denial of a rezone by the Hearings Body is a final decision not requiring review by the Board of Commissioners unless appealed.

• **SECTION 5.1.230 STATUS OF HEARINGS BODY RECOMMENDATION OF APPROVAL:**

The recommendation of the Hearings Body made pursuant to 5.1.225(1) or (2) shall not in itself amend the zoning maps.

RECOMMENDED FINDING: Staff has followed the procedures and has reviewed the proposal. This is the investigation report referred to as the Staff Report. Staff recommends that the Planning

Commission finds that the proposed rezone will conform to the comprehensive plan as the soils support Forest with a Mixed Use overlay. The rezone will have no effect on the conformity of the parcel. This property was part of a larger tract but at this time the tract has been separated lawfully and this unit of land no longer represents the management of the land supported by the soils. Prime forestland in Coos County is usually reserved for large tract lands and all others contain the Mixed Use overlay to allow for both farm and forest. It would be consistent to apply the Mixed Use Overlay. The applicant has submitted findings to address these criteria.

COOS COUNTY COMPREHENSIVE PLAN

Volume I Part I

- **Policy 5.4 PLAN IMPLEMENTATION STRATEGIES (8) states:**
Coos County shall consider, and approve where appropriately justified, changes from forestry to agriculture zoning districts, and vice-versa, upon findings which establish:
 - a. *That the proposed rezone would be at least as effective at conserving the resource as the existing zone,*
 - b. *That the proposed rezone would not create a non-conforming use,*
 - c. *That the applicant for the proposed rezone has certified that he/she understands that the rezone, if granted, could have significant tax consequences. Furthermore, Coos County shall, upon a finding to approve the rezone under consideration, amend the "Agricultural Land" or "Forest Land": Comprehensive Plan Map designation so as to correspond to the new zone, as approved.*

Implementation of this policy shall include conducting a "rezone public hearing".

This strategy recognizes:

- a. *That agriculture and forestry are closely related in Coos County because the land resource base is capable of and suitable for supporting both agricultural and forest use and activities;*
- b. *That this simplified plan revision process for agriculture and forest plan designations is necessary to help support the existing commercial agricultural and forest enterprises because it enables individual management decisions to be made in a timely manner as a response to changing market conditions.*

RECOMMENDED FINDING:

The application request complies with these criteria.

Volume I Part II

- **3.2 Forest Lands, Implementation Strategies - 5**

There are basically two different types of forest areas in Coos County. These are (i) prime forest areas, and (ii) mixed farm-forest areas. Certain non-farm uses not allowed in the former may be allowed as conditional uses in the latter. The two types of forest land are described in greater detail, as follows:

(i) "Prime Forest Area". These areas or parcels are typically large contiguous blocks of undeveloped land which are managed exclusively for timber production with some ancillary forest uses. Intensive forest management is practiced within this classification. A parcel or area subject to this classification will be preserved primarily for forest uses.

(ii) “Mixed Farm-Forest Area”. These areas include land which is currently or potentially in farm-forest use. Typically such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and grazing uses. The areas generally occupy land on the periphery of large corporate and agency holdings and tend to form a buffer between more remote uplands and populated valleys. In addition, these “mixed use” areas contain ownerships of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.

In certain areas of the County, these “mixed use” areas consist of extensive uplands where the lands are held predominantly by ranchers who manage their properties interchangeably between grazing and forestry depending on the economic base of each commodity at any given time. An essential management approach practiced by these ranchers is to maintain enough upland grazing acreage to sustain livestock during the winter months due to the flooding of lowland areas. Some intensive forest management is practiced on these lands, but not to the same extent as in “prime forest areas”, and grazing is in many places a co-dominant use. There are typically mixtures of farm and forest uses in these areas. Certain non-forest uses will be allowed in areas that meet the criteria of this classification as established in the zoning ordinance.

The mixed use areas are identified at a scale of 1”=2 miles on the “Mixed Agricultural-Forest Use Areas” Comprehensive Plan inventory map. A change in the boundary of the “mixed use” inventory map will require a comprehensive plan amendment. Criteria used to designate these areas are as follows:

- 1) Mixed use areas are those areas with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and agricultural uses.
- 2) Mixed use areas are those areas generally managed to maintain enough upland acreage to sustain livestock during the winter months due to flooding of lowland areas.
- 3) Mixed use areas are those areas predominantly co-managed for both farm and forest uses.

- **Oregon Administrative Rule 660-006-0057 Rezoning Land to an Agriculture/Forest Zone**

Any rezoning or plan map amendment of lands from an acknowledged zone or plan designation to an agriculture/forest zone requires a demonstration that each area being rezoned or re-planned contains such a mixture of agriculture and forest uses that neither Goal 3 nor 4 can be applied alone.

RECOMMENDED FINDING: Based on soils it shows that 68% of the property has a high site index for forest and the rest is farm soils of statewide importance. Given that 68% of the of the soils will grow trees while the remainder of the soil types are located in the flood plain. Based on the 100 year site curve, the mean site index for Douglas fir is 155 and has a growth rate of 164 cu. ft./ac./yr. which is a class III soil.

Therefore, based on the evidence and onsite report provided staff finds that this property meets the criteria for a rezone. The proposal is consistent with the intent of the Comprehensive Plan and Ordinance. Staff does not find a conflict with this request.

ADMINISTRATIVE CONDITIONAL USE - FOREST TEMPLATE CRITERIA

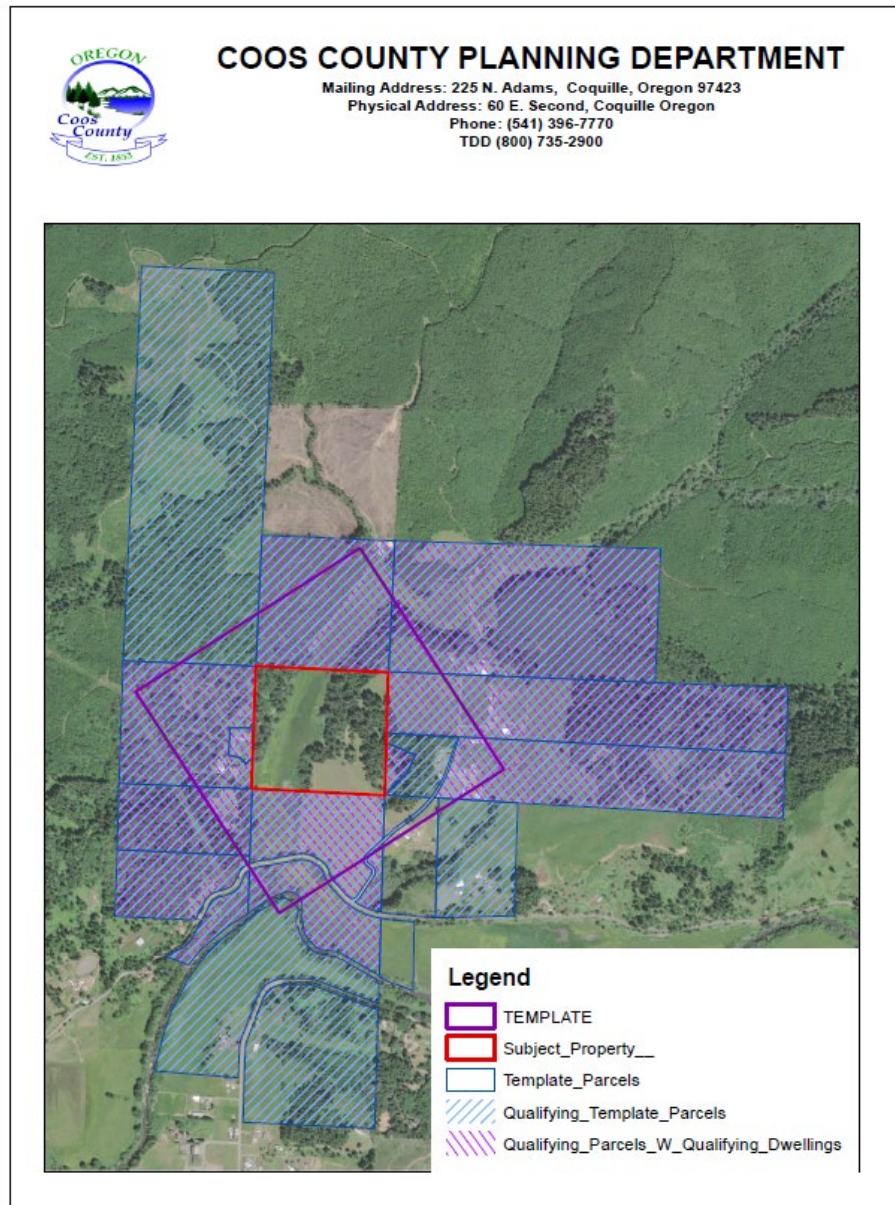
SECTION 4.6.120 Review Standards

- **(9) DWELLINGS AUTHORIZED BY ORS 215.705 TO 215.755; AND (E) OTHER DWELLINGS UNDER PRESCRIBED CONDITIONS.**
(II) TEMPLATE DWELLING - 215.750 Alternative forestland dwellings; criteria.

- (1) In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:
 - (a) Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels continue to exist on the other lots or parcels;
 - (b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels; or
 - (c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
 - (A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
 - (B) At least three dwellings existed on January 1, 1993, on the other lots or parcels.
- (2) (Reserved)
- (3) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsection (1) or (2) of this section.
- (4) A proposed dwelling under this section is not allowed:
 - (a) If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan and acknowledged land use regulations or other provisions of law.
 - (b) Unless it complies with the requirements of ORS 215.730.
 - (c) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under ORS 215.740 (3) for the other lots or parcels that make up the tract are met.
 - (d) If the tract on which the dwelling will be sited includes a dwelling.
- (5) Except as described in subsection (6) of this section, if the tract under subsection (1) or (2) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
- (6)(a) If a tract 60 acres or larger described under subsection (1) or (2) of this section abuts a road or perennial stream, the measurement shall be made in accordance with subsection (5) of this section. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:
 - (A) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or
 - (B) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
- (b) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.
- (7) Notwithstanding subsection (4)(a) of this section, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in subsection (1), (2), (5) or (6) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle. [1993 c.792 §4(6),(7),(8); 1999 c.59 §58; 2005 c.289 §1]

RECOMMENDED FINDING: According to the applicant's findings the subject properties are capable of producing more than 85 cubic feet per acre per year; therefore, requiring eleven (11) lots

or parcels and three (3) dwellings that existed prior to January 1, 1993. Staff applied the 160 acre square template with the subject property located in the center. The results show more than enough dwellings and parcels to qualify.



The proposal for a Template Dwelling will only be permitted if the rezone is approved. There are no deed restrictions that would prohibit a dwelling to be sited.

- ***(C) ADDITIONAL CRITERIA FOR ALL DWELLINGS ALLOWED IN THE FOREST AND FOREST MIXED USE ZONES.***
(1) A local government shall require as a condition of approval of a single-family dwelling allowed on lands zoned forestland:

- (a) *If the lot or parcel is more than 10 acres in western Oregon as defined in ORS 321.257, the property owner submits a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.*

RECOMMENDED FINDING The subject property is more than 10 acres; therefore, a stocking survey report is required to be submitted to the Coos County Assessor's Office.

- (b) *The dwelling meets the following requirements:*
(A) *The dwelling has a fire retardant roof.*

RECOMMENDED FINDING: The applicant states that the dwelling will have a fire retardant roof.

Therefore, this criterion has been addressed.

- (B) *The dwelling will not be sited on a slope of greater than 40 percent.*

RECOMMENDED FINDING: The applicant states that the property has steep slopes to the north and west of the proposed homesite; however, the homesite is relatively flat with 0-5 percent slopes. Staff concurs that the approximate area of the dwelling appears to be fairly flat.

Therefore, this criterion has been addressed.

- (C) *Evidence is provided that the domestic water supply is from a source authorized by the Water Resources Department and not from a Class II stream as designated by the State Board of Forestry.*

RECOMMENDED FINDING: The applicants states that the water source for the dwelling will be from a well.

Therefore, this criterion has been addressed.

- (D) *The dwelling is located upon a parcel within a fire protection district or is provided with residential fire protection by contract.*
(E) *If the dwelling is not within a fire protection district, the applicant provides evidence that the applicant has asked to be included in the nearest such district.*

RECOMMENDED FINDING: The applicant states that the subject property is located within the Myrtle Point Rural Fire Protection District.

Therefore, this criterion is satisfied.

- (F) *If the dwelling has a chimney or chimneys, each chimney has a spark arrester.*

RECOMMENDED FINDING: The applicant states that if the proposed dwelling has a chimney a spark arrester will be installed.

Therefore, this criterion has been addressed.

(G) *The owner provides and maintains primary fuel-free break and secondary break areas on land surrounding the dwelling that is owned or controlled by the owner.*

RECOMMENDED FINDING: The applicant states that the primary fuel-free break and secondary break areas will be maintained surrounding the Single Family Dwelling. The plot plan indicates that there is adequate space to be able to maintain the fuel-free break.

Therefore, this criterion has been addressed.

(2)(a) *If a governing body determines that meeting the requirement of subsection (1)(b)(D) of this section would be impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. The applicant shall request and provide alternatives to be considered.*

(b) *If a water supply is required under this subsection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least 4,000 gallons or a stream that has a minimum flow of at least one cubic foot per second. Road access shall be provided to within 15 feet of the water's edge for fire-fighting pumping units, and the road access shall accommodate a turnaround for fire-fighting equipment. [1993 c.792 §5; 1995 c.812 §6; 1997 c.293 §1; 2003 c.621 §103]*

RECOMMENDED FINDING: The applicant states that the subject property is within the Myrtle Point Rural Fire Protection District and there is no need for alternative fire protections or additional water supply.

These criteria have been addressed.

- **SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL NEW AND REPLACEMENT DWELLINGS AND STRUCTURES IN FOREST**

The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest and agriculture/forest zones. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. A governing body shall consider the criteria in this rule together with the requirements OAR 660-0060-0035 to identify the building site:

- (1) *Dwellings and structures shall be sited on the parcel so that:*
 - (a) *They have the least impact on nearby¹ or adjoining forest or agricultural lands;*
 - (b) *The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*
 - (c) *The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and*
 - (d) *The risks associated with wildfire are minimized.*

RECOMMENDED FINDING: The property owner is creating a new home site, The area proposed is located in a portion of an existing field that is flat. It is also located east of Llewellyn creek. It is centrally located between the western and eastern property boundaries. The proposed site requires

¹ *For the purpose of this section "Nearby" is defined as within the decision notification area as defined in Section 5.0.900(2) for farm zoned property.*

no trees to be removed; thus minimizing the removal of forest land for site access roads, service corridors, the dwelling and accessory structure. The proposed structures will be built in close proximity to each other. The fuel free setbacks will be satisfied and maintained which will ensure risks of associated with wildfire are minimized.

- (2) *Siting criteria satisfying section (1) of this section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.*

RECOMMENDED FINDING: The *Single Family Dwelling* will be sited towards the southern portion of the property centrally located west to east with the access road and accessory structure being in close proximity.

- (3) *The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:*
- (a) *Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;*
 - (b) *A water use permit issued by the Water Resources Department for the use described in the application; or*
 - (c) *Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.*

RECOMMENDED FINDING: The applicants acknowledge and will provided evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules by way of a water well report. Under ORS 537.545(b)&(d) no permit is required to take water for single or group purposes in the amount not to exceed 15,000 gallons per day.

- (4) *As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.*

RECOMMENDED FINDING: The applicant states that the access is by way of a private driveway off of Echo Valley Road and the private driveway will be maintained by the property owner.

- (5) *Approval of a dwelling shall be subject to the following requirements:*
- (a) *Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department*

- of Forestry stocking requirements at the time specified in department of Forestry administrative rules;*
- (b) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;*
 - (c) If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;*
 - (d) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and*
 - (e) The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.*

RECOMMENDED FINDING: This property is larger than 10 acres in size therefore, a restocking survey will be required.

SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA:

This section contain all of the development standards for uses (unless otherwise accepted out by a use review) and all of the siting standards for development.

- a. Minimum Lot Size for the creation of new parcels shall be at least 80 acres. Minimum lot size will not affect approval for development unless specified in use. The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.*

RECOMMENDED FINDING: There are no new parcels being created through this request; therefore, this criterion is not applicable.

- b. Setbacks: All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.*

RECOMMENDED FINDING: Based on the submitted Plot Plan the Single Family Dwellings will meet the minimum road setback.

Therefore, this criterion has been met.

- c. Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.*

RECOMMENDED FINDING: There is no indication that the applicant is proposing any fences, hedges or walls. As a condition of approval if any of the above is proposed at a later date they shall meet the requirements for the vision clearance in Section 7.1.525.

Therefore, this criterion has been addressed.

d. Off-Street Parking and Loading: See Chapter VII.

RECOMMENDED FINDING: A Driveway/Access/Parking Verification Permit application (DR-21-134) has been submitted must be signed off prior to issuance of a Zoning Compliance Letter. This will be made a condition of approval.

Therefore, this criterion has been addressed.

e. Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.

RECOMMENDED FINDING: The applicant has acknowledged and will file in the deed of records of Coos County a Forest Management Covenant for both subject properties prior to receiving a Zoning Compliance Letter. The covenant covers both accepted farm and forest practices.

Therefore, this criterion has been addressed.

- f. Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:*
- a. Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;*
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;*
 - d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;*
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;*
 - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or*
 - g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".*

- h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.*
- i. The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*

RECOMMENDED FINDING: According to the plot plan the proposed dwelling will be 150 feet from Llewellyn Creek. Notification has been provided to the Oregon Department of State Lands and they provided the following response:

“It is not possible to determine from an offsite assessment whether there are no wetlands in the project area. It is also unclear where the project area is located because the road is shown as going through the house on the submitted site plan, and the tax lot is not shown to its southern extent for spatial reference. Is the “existing road” North Bank Lane? Llewellyn Creek is designated Essential Salmonid Habitat. Therefore, a site inspection is needed (as described above) before any ground disturbing work is initiated. There are wetlands on the property that are likely state jurisdictional, including the pond on the west side of Llewellyn Creek to the north.

Therefore, this criterion has been met.

- g. All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Coos Forest Protective Association of the proposed development.*

RECOMMENDED FINDING: The subject property is located within the boundaries of the Myrtle Point Rural Fire Protection District.

Therefore, this criterion has been met.

- h. The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impractical that shall comply with the following:*
 - a. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;*
 - b. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second;*
 - c. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and*

- d. *Road access shall be provided to within 15 feet of the water’s edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*

RECOMMENDED FINDING: The applicant shall meet the minimum fire protection standards. However, if these standards are impractical the applicant shall comply with alternative forms of fire protection.

Therefore, this criterion has been addressed.

i. Fire Siting Standards for New Dwellings:

- a. *The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter of the primary fuel-free building setback.*
- b. *If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water’s edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.*

RECOMMENDED FINDING: Proof shall provided that a water supply of at least 500 gallons with operating water pressure of at least 50 PSI and sufficient ¾ inch garden hose to reach the perimeter prior to the issuance of a zoning clearance letter. This shall be provided for both of the subject properties.

Therefore, this requirement has been addressed.

j. Firebreak:

- a. *This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.*
- b. *Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.*
- c. *The owners of the dwelling shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in “Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads” dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1.*

Table 1 – Minimum Primary Safety Zone

<i>Slope</i>	<i>Feet of Primary Safety Zone</i>	<i>Feet of Additional Primary Safety Zone Down Slope</i>
0%	30	0
10%	30	50

20%	30	75
25%	30	100
40%	30	150

RECOMMENDED FINDING: According to the soils on the property the dwelling is within an area identified as having soils that are comprised of 47B-Pyburn silty clay that typically have percent 0 to 8 percent slopes and 63B-Wintley silt loam that typically have 0 to 8 percent slopes. This concurs with the applicants' assessment that the proposed home and accessory structure sites are relatively flat. However, , the applicants also recognize the fact that the property has steep slopes to the north and west of the proposed homesite. The plot plan shows that the setbacks are 230 feet from the southern property line and 575 feet from the eastern property line; therefore, more than satisfying the firebreak setbacks.

Therefore, this criterion has been addressed.

- k. All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.*

RECOMMENDED FINDING: The applicant states that the proposed dwelling will fire resistant roofing materials.

Therefore, this criterion has been addressed.

- l. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).*

RECOMMENDED FINDING: The subject property does not have a water supply exceeding 4,000 gallons available within 100 feet of the driveway or road for fire suppression.

Therefore, this criterion is not applicable.

- m. The dwelling shall not be sited on a slope of greater than 40 percent.*

RECOMMENDED FINDING: The dwelling is not sited on a slope of greater than 40%.

Therefore, this criterion has been addressed.

- n. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.*

RECOMMENDED FINDING: The applicant states that if the proposed dwelling has a chimney a spark arrester will be installed.

Therefore, this criterion has been addressed.

- o. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district.*

RECOMMENDED FINDING: The subject property is located within the Myrtle Point Rural Fire Protection District.

Therefore, this criterion has been met.

- p. Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for firefighting equipment.*

RECOMMENDED FINDING: The subject property is within Myrtle Point Rural Fire Protection District. The driveway and access shall meet the minimum standards of Chapter VII which allow emergency vehicles to enter the property. At the time of road inspection prior to receiving a zoning compliance letter the Roadmaster or his designee will ensure the standards are met to ensure adequate access is provided for firefighting equipment.

- q. Access to new dwellings shall meet road and driveway standards in Chapter VII.*

RECOMMENDED FINDING: The subject property is within Bandon Rural Fire Protection District. The driveway and access shall meet the minimum standards of Chapter VII which allow emergency vehicles to enter the property. The applicants have submitted a Road/ Driveway Access Verification Permit (DR-21-134) and this shall be signed off by the Road Department prior to receiving a Zoning Compliance Letter.

RECOMMENDED CONDITIONS OF APPROVAL

1. All applicable federal, state, and local permits shall be obtained prior to the commencement of any development activity. If there were comments from any other agency were provided as part of this review, it is the responsibility of the property owner to comply.
2. Pursuant to CCZLDO § 5.9.100, a Zoning Compliance Letter shall be required prior to the commencement of construction of the proposed dwelling. This authorization is based on conditions of approval and the conditions that are required to be completed prior obtaining the ZCL are defined in this section. Pursuant to CCZLDO § 4.6.110, § 4.6.130 and § 4.6.140. To show compliance with this section the applicant shall submit a letter with the following items to request that staff find the following conditions have been satisfied:
 - a. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title. The statement needs to include language that the purchaser of the property has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization. The recorded deed convent shall be recorded with the County Clerk and copy provided to the Planning Department.
 - b. CCZLDO Section 4.6.130(3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means: (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; (b) A water use permit issued by the Water Resources Department for the use described in the application; or (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water

- supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
- c. CCZLDO Section 4.6.130(5) Approval of a dwelling shall be subject to the following requirements: (a) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules; (b) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved; (c) If the lot or parcel is more than 10 acres in western Oregon or more than 30 acres in eastern Oregon, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; (d) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and (e) The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. An email from the Assessor's Office that states you have complied is acceptable.
 - d. Section 4.6.140(2) Setbacks: All Development, with the exception of fences, shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater. This should be shown on the plot plan.
 - e. Section 4.6.140(5) Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.
 - f. Section 4.6.140(6) Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained. If there are no wetlands, streams, lakes or rives then this is not applicable.
 - g. Section 4.6.140(9) Fire Siting Standards for New Dwellings: a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient $\frac{3}{4}$ inch garden hose to reach the perimeter of the primary fuel-free (30 feet) building setback. b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
 - h. Section 4.6.140(10) Firebreak: a. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees. b. Sufficient Garden Hose to reach the perimeter of the primary safety zone (30 feet) shall be available at all times. c. The owners of the dwelling shall maintain a primary fuel-free break (30 feet) area surrounding all structures and clear and maintain a secondary fuel-free break on land

- surrounding all structures and clear and maintain a secondary fuel-free break on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in “Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads” dated March 1, 1991, and published by Oregon Department of Forestry and shall demonstrate compliance with Table 1. Table one is addressed in the staff report based on down slope. This can be shown on a plot plan.
- i. Section 4.6.140(11) All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit. If they are not available yet then this will be a condition of approval on the ZCL.
 - j. Section 4.6.140(12) If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).
 - k. Section 4.6.140(13) The dwelling shall not be sited on a slope of greater than 40 percent. This shall be shown on the plot plan.
 - l. Section 4.6.140(14) If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester. A copy of the building plans shall be submitted. If they are not available, then this will be a condition of approval on the ZCL.
 - m. Section 4.6.140 (16) Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for firefighting equipment. If the property is within a fire protection district (Coos Forest Protective Agency or Rural Fire Department) a sign off from the fire department is required or proof that the road has been constructed to meet the requirements of the “Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads” dated March 1, 1991.
 - n. Section 4.6.140(17) Access to new dwellings shall meet road and driveway standards in Chapter VII. Driveway/ Access Parking/Access permit application shall be signed off by the Coos County Road Department prior to issuance of a Zoning Compliance Letter.
 - o. Section 5.2.700 Development Transferability - Unless otherwise provided in the approval, a land use approval that was obtained through a conditional use process shall be transferable provided the transferor files a statement with the Planning Director signed by the transferee. This document shall be recorded in the chain of title of the property, indicating that the transferee has been provided a copy of the land use approval containing all conditions or restrictions understands the obligation and agrees to fulfill the conditions, unless a modification is approved as provided in this ordinance. The property owner is responsible for ensuring compliance, and land use authorization shall remain recorded in the chain of title to alert a purchaser that development was approved subject to conditions and possible restrictions.
3. Shall comply with the recommendations set forth in the comments received from the Oregon Department of State Lands.